

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-14165-EE

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 1, 2007 THOMAS K. KAHN CLERK
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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MITCHELL L. ANDERSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Georgia

Before BIRCH, DUBINA and BLACK, Circuit Judges.

ON PETITION FOR REHEARING AND SUGGESTION
OF REHEARING EN BANC

PER CURIAM:

There is presently pending in this cause a petition for rehearing and petition for rehearing en banc. On April 10, 2007, the court directed the government to file a response to the appellant's combined motion for reconsideration, petition for rehearing by panel, and petition for rehearing en banc. We further directed the government to respond only to appellant's argument that because the sentencing guidelines range was based in part on victim loss (an upward adjustment of four levels), the panel's conclusion requires that appellant's sentence be vacated as well.

After reviewing the appellant's combined motion for reconsideration, petition for rehearing by panel, petition for rehearing en banc, the government's response thereto, and for good cause shown, we **GRANT** appellant's petition for rehearing and amend our opinion filed on February 7, 2007, to the extent that we vacate the appellant's sentence, remand this case for the district court to determine the amount of loss and victim impact, and then resentence the appellant. In all other respects, our opinion filed on February 7, 2007, shall remain in full force and effect.

SO ORDERED.